

### **REMARKS**

This preliminary amendment responds to the Office action dated April 16, 2008.

Claims 1-5 are pending in the application.

Claims 1 and 3-5 are independent claims. Claim 2 depends from claim 1 and, therefore, comprises all the limitations therein.

Claims 1 and 3-5 have been amended.

The examiner has rejected claims 1, 2 and 4 under 35 U.S.C. §103(a) as being unpatentable over Burns et al., U.S. Patent No. 5,995,518, hereinafter "Burns" in view of Krishnamurthy et al., U.S. Patent No. 6,665,872, hereinafter "Krishnamurthy."

Independent claims 1 and 4 have been amended.

Independent claim 1 has been amended and comprises the element of:

"deriving from that engaged data stream two, downstream-deliverable video data streams that are characterized by differing, respective access latencies and resolutions, one of which downstream-deliverable video data streams is characterized, relatively speaking, by a low access latency and a low resolution, and the other of which is characterized, in comparison, by a higher access latency and a higher resolution, wherein, relatively speaking, said low access latency is associated with more closely spaced I-frames in said one downstream-deliverable video data stream in comparison to more widely separated I-frames in said other downstream-deliverable video data stream;"

which is not taught in the combination of Burns and Krishnamurthy.

Independent claim 4 is a system claim corresponding to the method claim of independent claim 1, and independent claim 4, as amended, comprises the element of:

“deriving structure operatively connected to said engaging structure, operable to derive two, downstream-deliverable video data streams from such an engaged source data stream, wherein said two, downstream-deliverable video data streams are characterized by differing, respective access latencies and resolutions, one of which downstream-deliverable video data streams is characterized, relatively speaking, by a low access latency and a low resolution, and the other of which is characterized, by comparison, by a higher access latency and a higher resolution, wherein, relatively speaking, said low access latency is associated with more closely spaced I-frames in said one downstream-deliverable video data stream in comparison to more widely separated I-frames in said other downstream-deliverable video data stream;”

which is not taught in the combination of Burns and Krishnamurthy.

In regard to independent claims 1 and 4, the combination of Burns and Krishnamurthy does not teach, or suggest, the element of deriving, from a source data stream, two video data streams, wherein one of the two video data streams is associated with a lower access latency and a lower resolution than the other video data stream.

Burns teaches separating information into two components in order to transmit the information over two communication channels, wherein the two communication channels have different communication latencies [at least, column 1, line 63 – column 2, line 30]. The separation of information in Burns is based on the perceived delay associated with

each component of the information, wherein the delay is the delay introduced by the respective communication channel [at least, Figure 2, column 6, lines 23-44].

Krishnamurthy does not teach, or suggest, derivation of information for transmission at all. Krishnamurthy teaches transmission of video streams corresponding to different video applications over a single shared communication channel, wherein a multiplexer and traffic controller takes into account the differing latency requirements of the various video applications [at least, column 2, line 66 – column 3, line 11].

The currently claimed embodiments of the applicant's invention comprise deriving two video data streams, wherein each of the two video data streams has differing inherent access latency due to differing positioning of I-frames. The relative access latency is based on the relative spacing of I-frames, and the delay is not a delay introduced by the communication channel, but is a by-product of the I-frame spacing. Thus, it is access latency as opposed to communication latency, and the access latency is present regardless of the communication channel.

The teachings of Burns are related to separation of information to be transmitted on different channels based on the perceived delay of the information. The currently claimed embodiments of the applicant's invention are related to transmitting two video data streams with differing access latencies, wherein each of the two video data streams is derived from the source data stream. Thus, the two video data streams are two representations of the source data stream in the currently claimed embodiments of the applicant's invention. Whereas, the components of Burns are separate components of the information to be transmitted. The components of Burns may be combined to form the desired information. The two video data streams of the currently claimed embodiments

of the applicant's invention are separate representations of the source data. There is no teaching in Burns, or the combination of Burns and Krishnamurthy, to derive two video data streams, as described in the above-listed claim elements, of this nature.

Additionally, the combination of Burns and Krishnamurthy requires modification of Burns to using a single transmission channel, wherein Krishnamurthy controls the transmission over the shared channel based on the latency requirement of various video applications. The information components of Burns are related to one application, thereby providing no basis for control.

Based on the lack of teaching of the above-listed claim elements in the combination of Burns and Krishnamurthy, independent claims 1 and 4 are allowable in their currently amended form. The applicant respectfully request the rejection of these claims be withdrawn.

Claim 2, which depends from claim 1 and, therefore, comprises all the limitations therein, is currently allowable based on amended claim 1. The applicant respectfully requests this rejection of claim 2 be withdrawn.

The examiner has rejected claims 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Burns et al., U.S. Patent No. 5,995,518, hereinafter "Burns," in view of Hu et al., U.S. Patent Application Publication No. 2006/0156374, hereinafter "Hu," and further in view of Lin et al., U.S. Patent Application Publication No. 2002/0095681, hereinafter "Lin."

Independent claims 3 and 5 have been amended to more specifically identify the marker frames of the currently claimed embodiments of the applicant's invention as I-

frames. I-frames are not analogous to the metadata tags of Hu. The combination of Burns, Hu and Lin does not teach I-frame marker frames.

As argued above, Burns does not teach deriving two video data streams with differing access latencies. Nor does the combination of Burns, Hu and Lin teach this element. Hu teaches a method for automatically synchronizing playback between a first media service and a second media service both services corresponding to the same media content source [at least, ABSTRACT]. Hu teaches synchronization based on a matching step which uses metadata tags embedded in the data streams [at least, paragraph [0043]]. Lin teaches an apparatus and method of transmitting and switching multimedia data over an Ethernet network [at least, ABSTRACT].

The applicant therefore requests this rejection of claims 3 and 5 be withdrawn.

In light of the arguments above, all claims are considered to be novel, non-obvious and patentable in view of the cited art. The applicant respectfully requests that the examiner reconsider the rejections of these claims. The examiner is invited to contact applicant's patent agent directly for any reason.

Based on the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of the present application.

Respectfully submitted,

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